



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,962	11/13/2003	Anthony Anthony	X2YA0041U-US	6713
31518	7590	10/05/2005	EXAMINER	
NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304			MULLINS, BURTON S	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*2*

<b>Office Action Summary</b>	<b>Application No.</b> 10/705,962	<b>Applicant(s)</b> ANTHONY ET AL.	
	<b>Examiner</b> Burton S. Mullins	<b>Art Unit</b> 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 May 2005 (RCE Request).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 and 03 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. The restriction requirement of May 20<sup>th</sup>, 2005--which held the amendment filed March 23, 2005 as non-responsive because new claims 19-33 were directed to an invention that was independent or distinct from the original invention—is withdrawn. Applicant's RCE request filed May 25<sup>th</sup>, 2005 under 37 CFR 1.114 was improper and has been treated as an amendment under 37 CFR 1.111. Claims 1-18 are cancelled and claims 19-33 are entered for action on the merits.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on April 20, 2005 has been received. However, because the examiner is incapable of conducting a proper search of the claimed subject matter due to the vague, indefinite and confusing nature of the current claim language, the references have not been considered at this time. The references will be considered pending resolution of the rejections under 35 USC 112, first and second paragraphs noted below.

### ***Drawings***

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal and some (Figs.27A-27B) contain details which are hard to decipher due to the lack of contrast. Further, in light of the rejections under 35 USC 112, first and second paragraphs below, it is not clear that the claimed invention or embodiment thereof is shown in any of the drawings. If so, for purposes of speeded prosecution, applicant is

Art Unit: 2834

requested to point out the drawing and the claimed elements therein. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. Claims 19-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not clear that the specification as originally filed contains the following claimed elements: “filter first external electrode”, “filter first internal conductive structure”, “filter second external electrode”, “filter second internal conductive structure”, “filter shield external electrode” and “filter shield internal conductive structure”. Further, it is not clear that “internal” and “external” elements are disclosed, or what these terms mean. The motor filter embodiments are disclosed specifically on pp.27-34, Figs.23, 24A-24C, 25A-25D, 26A-26F and 27A-27B. However, no mention is made of a “filter first external electrode”, a “filter first internal conductive structures”, a “filter second external electrode”, a “filter second internal conductive structure”, a “filter shield external electrode” or a “filter shield internal conductive structure” and it is not clear from the confused drawings what numbers correspond to these elements. In Fig.23, for example, a band of electrodes 28/30 is shown as part of filter 12, but it is not clear how these electrodes are

Art Unit: 2834

“external” (specification, p.27, lines 5+). Further, a “shield” is defined as the conductive motor housing 304 (p.27, lines 2-4). There is no “filter shield external electrode”. In Fig.24A, two outer conductive tracks 340 with insulating material 326 surrounding the conductive track 340 provide isolation of the first and second electrode bands (p.28, lines 6-8) but it is not clear if these elements correspond to the claimed “filter shield external electrode” or “filter shield internal conductive structure”. The specification p.29, lines 25+ indicates that shielding results from the conductive motor housing.

In claim 28, no support for a “second filter third terminal” can be found.

In claims 30-33, support for the multiple layers of the filter and ground structure cannot be found. In Figs.27A-27B, the “common conductive ground surface” 402 appears to be only one layer. In Figs.28A-28B, and specification p.34, lines 14+, a multi-layer ground structure comprising the metal base of a crystal and a metal cover 415 is described, but this embodiment does not relate to a motor filter but rather to a carrier for a crystal component.

Applicant is requested to specify exactly where in the specification as originally filed he finds support for the motor filter assembly elements claimed in claims 19-33, and further to make reference to specific drawing/s that show the claimed subject matter so as to facilitate analysis with the prior art and further prosecution on the merits.

5. Claims 19-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 19-33, certain terms are vague and indefinite, in particular “a filter first conductive structure” and “a filter second conductive structure”. Should these be ---a first filter conductive structure-- and ---a second filter conductive structure--? Similarly, recitations “filter

Art Unit: 2834

first external electrode and a filter first internal conductive structure” and “filter first internal conductive structure from said filter second internal conductive structure”.are vague and indefinite. The same terms are used in claims 24, 28, and 30-31. In claim 28, “said second filter third terminal” lacks antecedent basis. Further, the terms “internal” and “external” are vague and indefinite. Does this refer to the elements being internal or external relative to the motor housing?

Claims 22 and 23 lack antecedent basis because they refer, respectively, to themselves.

In claims 32-33, “said filter ground internal conductive structure” lacks antecedent basis.

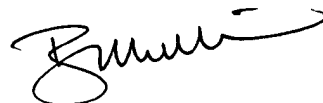
### ***Conclusion***

6. In order to facilitate prosecution, the examiner requests clarification and/or amendment of the claims to overcome the rejections made above before a search is conducted. Because the claim elements cannot be clearly matched with elements in the drawings, and because no definite support can be found in the specification for the claimed elements, it is particularly difficult for a meaningful search to be done at this time.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 571-272-2029. The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status

Art Unit: 2834

information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Burton S. Mullins  
Primary Examiner  
Art Unit 2834

bsm  
28 September 2005